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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 33rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 10 April 1996, at 6 p.m.

Chairman:	Mr. LEGAULT (Vice-Chairman)	(Canada)
later:	Mr. VASSYLENKO (Vice-Chairman)	(Ukraine)

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In the absence of Mr. Vergne Saboia (Brazil), Mr. Legault (Canada), Vice-Chairman, took the Chair.

The meeting was called to order at 6.45 p.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

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(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

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1. Mr. ZHANG Yishan (China) referred to the progress achieved in human rights over the previous 50 years in the areas of national independence, racial discrimination and the right to development due largely to the concerted efforts of the international community, including the Commission on Human Rights, and the impact of certain international instruments. However, it was regrettable that, in spite of historical developments, the spirit of the cold war persisted. Politicization of human rights was obstructing the normal functioning of the Commission itself. It was therefore vital to glean lessons from past experience in preparing the future.

2. The sovereign equality of States and non-interference in their internal affairs were principles enshrined in the Charter of the United Nations and were inviolable.

3. Given the diverse social conditions prevailing in States and their varied historical backgrounds, the implementation of human rights principles could not be divorced from consideration of each country's specific situation. Similarly, economic, social and cultural rights must be accorded the same weight as political and civil rights.

4. The Commission must therefore sharpen its focus on the rights of people in developing countries and strive to promote their advancement. Moreover, as the composition of the Commission did not reflect the principle of regional balance, its membership should include more developing countries. He also noted that United Nations human rights mechanisms and organs were in great need of reform to improve overall efficiency and effectiveness.

5. The Government of China was honoured to have hosted the Fourth World Conference on Women, which had successfully contributed to the promotion of gender equality and the realization of various human rights and fundamental freedoms for women and girl children.

6. In conclusion, he commended the efforts of the Special Rapporteur on violence against women and her report (E/CN.4/1996/53/Add.1), which exposed the recruitment of "comfort women" by the Japanese militarist Government during the Second World War. His Government felt deep sympathy for the victims who had suffered unspeakable miseries and urged the Japanese Government to adopt a responsible approach with a view to the appropriate settlement of that problem.

7. Mr. CHARFI (Independent expert on the situation of human rights in Somalia) gave an account of the human rights situation in Somalia, based on his mission between 23 February and 13 March 1996 to that country. The people of Somalia, particularly during the last three years of Mr. Siad Barre's regime, had suffered severely as a result of a brutal civil war, during which killings, massacres and widespread destruction had been the means used to quell popular revolts. After the downfall of that regime conflicts had developed between the leaders of the rebellion to the extent that the civil war continued in an even more murderous vein.

8. Violence hampering the delivery of humanitarian aid had resulted in an additional loss of life through famine before the United Nations had taken action. Vast numbers of persons had been killed and displaced, and there was evidence of ethnic cleansing in various areas.

9. The perpetrators of those atrocities, constituting crimes against humanity as well as being crimes punishable under Somalian penal law, were living undisturbed and unpunished in that country.

10. The civil war had resulted in the destruction of the entire administrative and judicial apparatus of the State, and had given rise to chaos, insecurity and banditism. "Islamic" courts, which were religious in name alone, had emerged initially by popular initiative in response to the desire for swift and effective justice, and had later been exploited by the leaders of the various factions.

11. The situation had remained relatively stable for approximately two years but as order and security had not been entirely restored, much remained to be done in settling outstanding disputes between the factions. Both General Aidid and Mr. Ali Mehdi had formed Governments that claimed to represent the entire country, but the secessionist leadership did not intend to reunite the self-proclaimed State of Somaliland with the rest of Somalia.

12. The question of identity was one of the major problems faced by the Somali people, who attached greater importance to allegiance to their respective clans than to the nation as a whole. They also lacked a grounding in democracy and in the principles of equality and non-discrimination, and the general situation was further compounded by the severe brain drain of Somali professionals.

13. Various measures had to be adopted to alleviate the tragic effects of the period of turmoil. Firstly, the persons responsible for the crimes committed during that period should be brought to justice and to that end, it was necessary to begin the compilation of case files while some evidence remained intact, under the guidance of a commission of inquiry. Secondly, the reconstruction of the State of Somalia on a consensual basis could be effectively accomplished only by the Somali people themselves, although the international community should and must help them in that task.

14. In that connection he suggested that the dissemination of information about human rights principles could be achieved by broadcasting a programme for the promotion of human rights in Somalia so as to ensure the widest possible audience. That programme would also entail United Nations involvement in the organization of civics courses which would include instruction in the basic principles of human rights and democracy for schoolchildren at all levels, senior Somali professionals being trained to monitor the teaching phase of the programme throughout the country. The programme would also encourage the participation of adults through the formation of local and regional committees, and the organization of specialized seminars for law enforcement officials.

15. Mr. SIDOTI (Australia) said he was taking the floor as representative of the Australian Human Rights and Equal Opportunity Commission; at previous meetings of the Commission on Human Rights, his predecessors had spoken as members of the Australian delegation.

16. The question of the recognition and participation of independent national institutions in United Nations meetings dealing with human rights had been of great concern to national institutions, including the Australian Commission, and he noted that the Coordinating Committee of National Institutions had supported the participation of independent national institutions as separate entities with observer status. He therefore urged the Commission on Human Rights to endorse the mechanisms that would ensure the future participation of national institutions.

17. Commenting on the progress achieved in United Nations support for the development of independent national institutions since the previous session of the Commission on Human Rights, he said the most significant development had been the appointment of a Special Adviser to the High Commissioner on Human Rights. He took the opportunity to congratulate the Australian Government on providing full funding for the post and work of the Special Adviser. Another achievement since the previous session had been the staging of the first African Regional Conference of National Institutions, and he referred to the workshops that had been held in the Asia-Pacific region as it sought to enhance its mechanisms. He also announced plans for an Asia-Pacific Regional

Meeting later in 1996 and invited government representatives to attend as observers. He appealed to the Centre for Human Rights to grant that meeting the same level of support it had accorded to the African region.

18. Mr. Jaime BAUTISTA (Philippines) said his Government had made the promotion and protection of human rights the core principle of its return to democracy 10 years earlier. One of its first steps had been to set up a constitutionally-based national institution, namely, the Philippine Commission on Human Rights (PCHR). Yet it had been clear even at that time that human rights education was necessary. That work had been pioneered by non-governmental organizations (NGOs), which had intensified their human rights advocacy activities. While NGOs continued to be the leading partners of the Government and PCHR, other international humanitarian agencies, such as the International Committee of the Red Cross (ICRC) participated in special activities targeted at all sectors of society, with special emphasis on sensitive sectors.

19. Human rights education was at the centre of the National Human Rights Plan. PCHR's Plan of Action for the Decade included sectoral rights education for vulnerable groups and regular education for law enforcement officials, legal officials and the military.

20. Two further events marking the promotion of human rights education in the Philippines had been the third International Workshop on National Institutions for the Promotion and Protection of Human Rights, held in Manila in April 1995, and the Conference Workshop on Asia-Pacific Human Rights Education for Development (December 1995). The Philippines fully supported the recommendations of the third Workshop contained in document E/CN.4/1996/8 and annexes, and endorsed the conclusions reached at the fourth Workshop, held in Katmandu, Nepal, in February 1996.

21. Referring to the report of the Special Rapporteur on Violence against Women (E/CN.4/1996/53), he said that his country had long been active in seeking to protect its citizens from the violence to which some women migrant workers were subjected. As a sending State, therefore, it took exception to the statement contained in paragraph 77 of the report regarding the "unwillingness of both sending and receiving States to accept responsibility for migrant workers ... ".

22. As a country some of whose nationals had been "comfort women", the Philippines had made a careful study of the Special Rapporteur's report on the question (E/CN.4/1996/53/Add.1). It had vigorously pursued, at the highest official levels, all opportunities for bilateral discussions of that painful issue, and in coordination with NGOs, had done its best to assist the victims. It recognized that the Japanese Government had recently moved forward on that issue; that senior Japanese government officials had expressed profound and sincere remorse and apologies; and that action had been taken to give that remorse tangible form. Dialogue on the matter should continue, and should focus on the interests of the victims. His Government respected the position of individual claimants, and had been guided by the consideration that ongoing consultations with Japan should not in any way undermine their position.

23. Mr. Joun Yung SUN (Republic of Korea) said that, in spite of significant progress in recent years, violence against women still persisted. His delegation thus welcomed the report of the Special Rapporteur on the subject (E/CN.4/1996/53), the contents of which must be adequately reflected in the resolution on the elimination of violence against women to be adopted at the current session.

24. The issue of military sexual slavery in wartime was of particular concern to his Government, which commended the findings and observations contained in document E/CN.4/1996/53/Add.1, and supported its recommendations.

25. His delegation agreed with the Special Rapporteur (para. 10) that the term "military sexual slaves" was much more appropriate than the term "comfort women" - a view endorsed by the Sub-Commission's Working Group on Contemporary Forms of Slavery, and by the ILO Committee of Experts on the Application of Conventions and Recommendations which, in a recent report, had recognized that matters related to "comfort stations" should be characterized as sexual slavery in violation of the ILO's Forced Labour Convention, 1930 (No. 29), which Japan had ratified in 1932.

26. His Government had welcomed as a positive step the admission by the Japanese Government in August 1993 that the Japanese military authorities had been directly involved in those acts, and that the victims had been coerced and subjected to immeasurable physical and psychological pain.

27. In her report, the Special Rapporteur had made it clear that the crimes perpetrated against "comfort women" constituted inhumane acts and crimes against humanity, and had concluded that the Japanese Government remained legally responsible for those violations of international humanitarian law.

28. His Government took the view that the Japanese Government should first publicly acknowledge its past offences and then assume its responsibilities; it should thus implement the Special Rapporteur's recommendations voluntarily and without further delay.

29. Mr. Vassylenko (Ukraine), Vice-Chairman, took the Chair.

30. Mr. MEZARI (Algeria) said that the institution responsible for ensuring protection and promotion of human rights in Algeria was the National Human Rights Observatory (ONDH). It was an administratively and financially autonomous body, and its members were drawn from the legal and medical professions and from the public sector. Since its establishment in 1992, it had focused mainly on the right to life and the human rights implications of the security measures and special legislation resulting from the increase in armed terrorist violence.

31. Violence, and the threat it posed to the democratization process, had surfaced after the halt of the electoral process in December 1991, and had now assumed the proportions of an all-out war against all sectors of lay society and the rule of law, perverting the message of Islam by denying others the right to life and freedom of opinion and expression.

32. Pursuant to its mandate, ONDH had drawn the attention of the authorities to violations of human rights by the security forces, recommending that they should operate strictly within the framework of ordinary law or of the anti-terrorist laws, and be held accountable for violations of the rules governing interrogation, search and arbitrary detention.

33. ONDH held that the constitutional freedoms of conscience, opinion and expression must be made irreversible, and advocated joint action, dialogue and regulation on the part of the authorities and the media.

34. In its latest annual report to the President of the Republic, ONDH had welcomed the appointment of a Mediator of the Republic to deal with citizens' grievances and to assist in improving their relations with the administration, and had concluded that respect for human rights must constitute the basis of any restructuring of political, economic and cultural life.

35. ONDH deplored the belated acknowledgement by the international community and human rights organizations of the true nature of terrorism and the threat it posed to peace. The human rights situation in Algeria had improved with the abolition of the special courts in February 1995, the closing of the last administrative detention centre at Aïn Amgel, the recent lifting of the curfew imposed in some areas in 1993, and the promulgation of the clemency law aimed at those declaring their readiness to renounce violence. Algeria had also recently ratified the Convention on the Elimination of All Forms of Discrimination Against Women. Concerted efforts on the part of ONDH, the authorities and the public at large would lead to the irreversible establishment of a genuine culture of human rights in Algeria.

36. Mr. LACOUL (Nepal), speaking on behalf of the Asian Group on agenda item 9 (a), said that, encouraged by the success of the three Workshops on regional arrangements already held in the Asian and Pacific regions the Government of Nepal had offered to host the fourth Workshop, which had been held in Katmandu in February 1996. It had discussed common principles, enabling strategies and building blocks for the establishment of a regional arrangement in the Asia-Pacific Region. Given the diversity and complexities of the region, it had been felt that extensive consultations among countries would be required in order to reach consensus, but any regional arrangement for the Asia-Pacific Region would be based on its own needs, priorities and circumstances.

37. The optimism reflected in the report of the Secretary-General (E/CN.4/1996/46/Add.1) was the result of hard work by all participants. The Workshop had envisaged regional cooperation with a view to the promotion and protection of human rights, inviting States to take action in fields such as human rights education, ratification of human rights instruments and development of national action plans. It had also welcomed the decisions of several States to establish or consider establishing independent national institutions, and had noted the decision, taken by national institutions at their April 1995 Manila meeting, to encourage extensive cooperation between themselves. Participants had considered shared problems, obstacles to the realization of the right to development, and the rationalization of existing human rights mechanisms, and had agreed that an open-ended team should be set up to ensure effective preparations for the next Workshop and facilitate the

development of a regional arrangement. The Asian Group urged Member States of the region to designate high-level participants to attend future Workshops, and requested the Centre for Human Rights to take prompt action, including the early selection of a panel of experts, to ensure that the desired results were achieved.

38. Mrs. FERRARO (United States of America) announced that a fresh, clean wind was blowing away injustice and prejudice in that it was now recognized that women's rights were human rights. Yet women were still being threatened by violence, prevented from becoming full and productive members of society, and denied education and health care; as a result, HIV/AIDS infection rates among them were rising rapidly. Moreover, the politics of powerlessness still held most of the women of the world in an economic vice. Women made up 50 per cent of the world's population, but they owned only 10 per cent of its wealth.

39. Nevertheless, times were changing. Women, through their achievements in all walks of life, were forcing the world to take notice of them. The Beijing Conference, which had brought together men and women from all four corners of the Earth, had not only enabled women to speak out but had also given them a solid foundation for future action. At the Conference, the nations of the world had promised to end violence and inequality and to give women access to education, health care and economic and political power. Family responsibility was to be shared and freedom of expression guaranteed.

40. The United States hoped that every country which had agreed to that platform of action would abide by its provisions. It was taking its own commitments very seriously, and a number of measures had already been adopted.

41. In response to petitions from millions of women, the Commission on Human Rights had appointed a Special Rapporteur on violence against women and he had focused on violence within the family. The Commission had also directed its special rapporteurs and treaty bodies to include women's rights in their work, which showed that women's rights were essential matters of concern and that the tide of history was turning in their favour.

42. Mr. McALISTER (Canada) noted that national institutions played a key role in an effective human rights infrastructure in that they constituted the link between international standards and their practical application.

43. Because of that important function, considerable efforts had been made to strengthen or establish such institutions. A Coordinating Committee had been set up, but its long-term success would depend on the continuing support of the Commission and the Centre for Human Rights. Funds had to be found for those institutions and greater use made of their expertise and knowledge. Moreover, they needed independent status so that they could deal directly with United Nations organs concerned with human rights.

44. National institutions strongly believed that they should participate in the human rights debate in their own right and not as mere extensions of national government delegations.

45. Since the monitoring of human rights violations and resolution of conflicts would continue to be a crucial activity of the United Nations, national institutions hoped that the Commission would recognize the vital role they could play in that connection, by supporting any recommendations made on the subject.

46. Mrs. AQUILINA (Observer for Malta), speaking on agenda item 9 (a) and (c), noted that the end of the cold war had failed to bring universal peace and that the international community had been criticised for not doing enough to prevent the scourges attendant upon regional conflicts.

47. The complete protection of civil, political, economic, cultural or social human rights required a democratic environment, and she noted that, a few weeks earlier, the Secretary-General of the United Nations had spoken of the universal dimension of democracy.

48. Human rights abuses sometimes resulted in ethnic strife and internally displaced persons and Malta, which was particularly concerned about the situation in Cyprus, supported efforts to reach a lasting solution through the implementation of United Nations resolutions.

49. The role of the High Commissioner for Human Rights and the work of the Centre for Human Rights should be complementary, and she hoped that the reorganization of the latter would increase its effectiveness. Malta had made a number of suggestions concerning the restructuring and strengthening of the United Nations, and its Minister of Foreign Affairs had proposed that the Trusteeship Council should become a guardian of the common interests of future and present generations and a coordinating body between various United Nations human rights organs, since closer coordination would improve efficiency in that sphere. The United Nations and its human rights bodies were of vital importance, but they could not function without the necessary resources.

50. Malta, which endorsed the European Union's proposal to set up a rapid response system to prevent human rights violations, considered that the Centre for Human Rights, which helped United Nations bodies and Member States to promote and protect human rights, should also give priority to technical assistance and education programmes. Moreover, it could collaborate more extensively with other human rights agencies and organizations, and the human rights monitoring system could be strengthened.

51. Malta, which took the view that membership of the Commission on Human Rights should be open to all United Nations Member States, was a democratic country that had taken all the necessary steps to promote and protect human rights at the national level. It had appointed an ombudsman and submitted its initial report under the Convention against Torture, and appreciated the assistance it had received from the Centre for Human Rights.

52. The year 1996 was crucial for the United Nations, and she emphasized that any reforms had to take into consideration the real needs of the international community, human rights being among the most important.

53. Mrs. MARKHUS (Observer for the Libyan Arab Jamahiriya), speaking on agenda item 9, said that women's rights were an integral part of human rights.

From the earliest times, the Islamic Shariah had accorded equal rights to women in all areas of life, such as the right to own and dispose of property, inheritance rights, the right to take up gainful employment, the right to engage in trade and the right to initiate legal proceedings.

54. Her delegation was pleased to note that the High Commissioner for Human Rights was according high priority to the promotion of women's rights, and urged him to give special attention, in cooperation with the focal point for women's issues in the Centre for Human Rights, to the rights of women in developing countries and women in difficult circumstances, such as refugees, immigrants, the disabled and those caught up in armed conflicts. Her delegation also supported the increased involvement of the human rights treaty bodies in the defence of women's rights.

55. Her own country could point to countless achievements in its drive to secure equality for women in both legal and practical terms. With the active encouragement of the Leader of the Revolution, women were involved in decision-making at all levels of political, economic and social life and had equal access to education and employment.

56. Turning to the question of human rights and unilateral coercive measures, she drew attention to paragraph 47 of document E/CN.4/1996/45, in which the American Association of Jurists expressed the view that the Security Council had exceeded its powers in the Lockerbie case. Sanctions had been imposed on her country under Security Council resolutions without a shred of proof of its involvement in the incident. Notwithstanding the Jamahiriya's endeavours to cooperate in resolving the matter, those sanctions were still in place, causing untold suffering to her people, particularly in the area of health.

57. The Libyan Arab Jamahiriya, a tireless defender of human rights which had signed 17 international human rights treaties, trusted that it could continue to rely on the support of all peace-loving nations.

58. Mr. LAVAGER (International Committee of the Red Cross), speaking on agenda item 9 (d), said that ICRC agreed with Mr. Deng that the protection and assistance afforded to displaced persons had to be coordinated among existing organizations in a spirit of complementarity. Noting that ICRC helped persons displaced by armed conflicts or disturbances, he said that although the 1949 Geneva Convention and 1977 Additional Protocols contained detailed provisions that covered specific needs in wartime and, therefore, displaced persons, their requirements were not always taken sufficiently into account. As it was vital that displaced persons should be able to return home under acceptable conditions in safety and dignity and recover their property or obtain compensation, those issues should be clarified and existing rules reaffirmed in a document of some kind which should not, however, replace existing legal instruments.

59. Anti-personnel mines were a cause of forced population movements and should be banned by the international community. Similarly, since terrorism was an indiscriminate weapon and as a distinction between military and civilian targets was a basic principle of international humanitarian law, acts of terrorism might constitute war crimes and should therefore be repressed with the utmost determination.

60. Ms. DUTLI (International Committee of the Red Cross), speaking on agenda item 17, said that the 30 armed conflicts that had raged throughout the world in 1995 had been characterized by a rising number of violations of the most basic rules of international humanitarian law.

61. Discussions of humanitarian law centred on a search for more effective mechanisms to ensure compliance with the 1949 Geneva Conventions and 1977 Additional Protocols. That had always been a priority for ICRC and in 1995 it had established an Advisory Service on International Humanitarian Law - a particularly significant move in view of the war crimes tribunals set up by the international community and its efforts to establish a permanent international criminal court.

62. International initiatives should be accompanied at the national level by steps to ensure that international humanitarian law was respected; ICRC's Advisory Service would actively support such endeavours.

63. ICRC's recent initiative complemented the activities of the Centre for Human Rights, and it would strive to avoid duplication of efforts and try to help States to implement human rights and international humanitarian law more effectively.

64. Mr. ASSOUMA (Observer for Togo), speaking on agenda item 9 (b), said that his country's National Commission for Human Rights was the individual's ultimate defence against all forms of misuse of political, administrative, military and judicial authority. Its activities had been adversely affected between 1990 and 1992 by socio-political upheavals in the country, but it had resumed its work in defence of basic rights and freedoms in 1993.

65. Police stations and places of detention were monitored by the National Commission to prevent irregularities. Persons detained beyond the statutory time limit were released, and recommendations were made to the judicial authorities concerning the conditions in which detainees were held.

66. The National Commission had worked for the adoption of the 1994 Amnesty Act to promote national reconciliation, which had been reinforced by the 1995 Agreement between the Togolese Government and the Office of the High Commissioner for Refugees on the voluntary repatriation of Togolese exiles in Benin and Ghana.

67. In May 1995, the National Commission had organized a meeting in Lomé of representatives of African human rights commissions and NGOs and of Togolese administrative, police and prison authorities on the theme of human rights protection in Africa. At the end of the meeting, the national commissions had urged African countries that had not already done so to set up a commission on human rights and had advocated the establishment of an African court of human rights at the next summit of the Organization of African Unity.

68. Moreover, the Togolese National Commission had taken steps to promote freedom of the press and the development of independent news media, and in general, flagrant abuses such as arbitrary detention, torture and extended police custody had been considerably reduced if not eliminated in Togo as a result of its efforts.

69. Ms. NOLAN (Médecins sans Frontières), speaking on agenda item 9 (d), said that the number of internally displaced persons around the world continued to increase dramatically. They were among the most vulnerable groups in their societies and were regularly deprived of vital services. Médecins sans Frontières (MSF), which offered humanitarian assistance to displaced persons, was frequently denied access to them by Governments on the grounds that it was interfering in the country's internal affairs.

70. The Sudan had a large displaced population, particularly in and around Khartoum, made up of refugees from the conflict in the south or from drought and famine in the west. The Sudanese Government pursued a systematic policy of forcible relocation of such displaced persons to desert camps, evicting them and demolishing their homes without proper warning or compensation. Conditions in the camps were deplorable and child malnutrition and mortality rates were high.

71. MSF had been unable to provide adequate humanitarian assistance to the camps because the Government had denied access for proper needs assessment, had delayed the approval of project proposals and had failed to provide permits for an adequate number of expatriate personnel. Although MSF was encouraged by the Government's recent granting of permission for a number of health projects, it was unsure whether all such restrictions would be removed in the future.

72. The plight of internally displaced persons had been repeatedly brought to the attention of the Resident Representative of the United Nations Development Programme in Sudan but no effective action appeared to have been taken.

73. MSF urged the Government of the Sudan to ensure that all relocations were carried out in compliance with international law. Families should be given advance warning and compensation, and adequate facilities should be provided in the areas of relocation.

74. The Commission on Human Rights should condemn the human rights violations that caused displacement and take effective action to ensure that the rights of displaced persons were respected. In addition, it should fully support the work of the Representative of the Secretary-General on internally displaced persons. MSF supported the conclusions of the Representative's compilation and analysis of legal norms (E/CN.4/1996/52/Add.2), and particularly those regarding the need for a legal instrument that explicitly guaranteed access to internally displaced persons by impartial humanitarian organizations. It urged Governments to invite the Representative to visit their countries in order to assess the situation with respect to displaced persons.

INDIGENOUS ISSUES (agenda item 23) (continued)

75. Mr. MIJARUL QUAYES (Bangladesh), speaking in exercise of the right of reply, said that the statements by the representatives of the Asian Buddhists Conference for Peace were directed selectively at certain countries in a particular region in violation of the principle of universality.

76. The NGO's statement regarding the "indigenous people" of the Chittagong Hill Tracts failed to address the issues at the core of the debate on

indigenous peoples, namely, the dispossession and continued marginalization of original inhabitants by settlers from abroad, but sought instead to find "indigenous populations" within indigenous nations, thereby subverting the principle of self-identification.

77. Although some tribal ethnic groups in Bangladesh, principally in the hill districts of the south-east, were distinct from the non-tribal ethnic majority, they did not possess indigenous status vis-à-vis the rest of the population, who were no less indigenous.

78. Father Timm, who had been mentioned in a statement by the NGO in question, had himself admitted in his work on the tribal people of Bangladesh that the definition of indigenous peoples contained in ILO's Indigenous and Tribal Peoples Convention, 1989 (No. 169) was such that it would be hard to include within its scope all the tribes of Bangladesh and exclude the Bengalis.

79. Furthermore, in addressing the report of the Special Rapporteur on the question of torture (E/CN.4/1996/35 and Add.1), the representative of the Asian Buddhists Conference for Peace had also shown a single-minded bias against Asian countries, although 10 of the 16 countries on which the Special Rapporteur had made specific observations were outside Asia. The Government of Bangladesh had actually been commended recently by the Special Rapporteur on its prompt response to an urgent appeal regarding the situation of a number of opposition political leaders.

80. Mr. SÁ RICARTE (Brazil), speaking in exercise of the right of reply, said that the representative of the International Indian Treaty Council had made unsubstantiated and offensive claims against the Government of Brazil in violation of the principles governing the consultative status accorded to his organization. The Government recognized the importance of dialogue with organizations of indigenous people on the drafting of a "United Nations declaration on the rights of indigenous peoples" and just such a dialogue had taken place two weeks previously in Geneva with the Minister of Justice of Brazil. He trusted that the International Indian Treaty Council would not condone the unjustifiably aggressive attitude of its representative to a member of the Commission on Human Rights. If such behaviour was repeated, it might be necessary to set in motion the review mechanisms provided for in paragraph 36 of Economic and Social Council resolution 1296 (XLIV). At the same time, he was prepared to provide the representative in question with any information he wished regarding the circumstances of indigenous peoples in Brazil and the motives underlying his country's position on the draft declaration.

The meeting rose at 9.05 p.m.

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SUMMARY RECORD OF THE 34th MEETING

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Chairman: Mr. VERGNE SABOIA (Brazil)

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STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF GUATEMALA

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(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLES THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

The meeting was called to order at 10.15 a.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF GUATEMALA

1. Mr. STEIN BARILLAS (Guatemala) said that a new era had begun in his country. Things were changing, and changing for the better. The decisions and actions of his Government, in place for barely three months, clearly demonstrated that something new was happening. Efforts were being made to realize the hopes upon which the Government had been elected: to bring security and peace to the country and to combat impunity, discrimination and privileges; to improve the standard of living and to modernize the system of government. Miracles could not be worked in 10 weeks but the initial results were visible.

2. His Government was striving to achieve a well-rounded realism which entailed public recognition of past and present failures and a search for practical and realistic solutions. The shared responsibility for that effort must of necessity be generated gradually out of assessments made both within the country and without. The effort must involve society as a whole, and not the Government alone for, if society itself did not take on the task of reconciliation and reconstruction, no political force could do so on its behalf.

3. One of the most urgent items on his Government's agenda was the peace process. When as a candidate, the new President had decided to meet in secret with the Unidad Revolucionaria Nacional Guatemalteca (URNG), the negotiations had taken on a momentum resulting in substantial progress. Results were gradually being achieved in other areas as well, including the transformation of security institutions, legal matters, infrastructure and health.

4. He himself, as a public office-holder, was naturally enthusiastic about the Government's pluralistic policies but did not harbour false illusions concerning Guatemala's internal divisions. If the nation was to be governable, serious efforts to achieve reconciliation were required. It needed to mature as a society in an atmosphere of tolerance, respect and cooperation: the social fabric was deeply torn and there were still cases of patent injustice. But Guatemala was gradually coming to grips with the urgent need to reconcile domestic conflicts, including intransigent ethnic divisions.

5. Though Guatemalan society was still profoundly racist, there was a growing awareness of the potential contribution to be made by indigenous populations and of the fact that their cultural richness must be treated with respect and given room to blossom. The past conflict must not be replaced by an even more intractable one such as those to be found in regions where ethnically or religiously motivated armed confrontations were causing massive loss of life.

6. The Commission had for years been contributing substantially to the improvement of the human rights situation in Guatemala, particularly by the appointment of a succession of special rapporteurs. The Group of Friends of the Guatemalan peace process had also played an important role in the negotiation and cooperation efforts. The work of the United Nations Mission

for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) had helped to increase the technical support for the justice system.

7. All those endeavours had acquired their own momentum and opportunities were opening to make significant progress in areas where it had previously seemed impossible. There was a growing movement towards organized involvement of citizens in social and political affairs and major steps towards national reconciliation had been taken. For precisely those reasons, Guatemala should remain under consideration in the context of the advisory services in the field of human rights, and his Government reiterated its invitation to the Centre for Human Rights to dispatch a technical mission there.

8. His Government attached the highest importance to the peace process and the successful outcome of negotiations with the URNG. Those who opposed negotiation as a means of resolving the long-standing conflict must state frankly that they wanted the war to continue and more blood to be spilled. The Government would do its utmost to proceed along the road to peace and the strengthening of democratic society. It would honour the agreements that had already been signed and was determined to attain, slowly but surely, a social and institutional situation approximating ever more closely to full respect for human rights.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (continued) (E/CN.4/1996/8, 42, 43, 44, 45 and Add.1, 46, 47, 48 and Add.1, 49, 50 and Add.1, 51, 52 and Add.1 and 2, 53 and Add.1 and Corr.1 and Add.2, 105, 109, 116, 117, 137 and 148; E/CN.4/1996/NGO/4, 10, 20, 28, 31, 34, 37, 43, 47, 51, 56, 64 and 75; A/50/332 and 685; A/CONF.177/20; E/CN.4/1995/48; E/CN.6/1996/11)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 17) (continued) (E/CN.4/1996/11, 14, 15, 89, 90, 92, 93 and Add.1, 94, 111, 118 and Add.1, 136 and 138; E/CN.4/1996/NGO/38 and 74; A/50/482, 681 and Add.1, and 878; A/49/929)

9. Ms. PARKER (International Educational Development, Inc.) said she welcomed the report of the Special Rapporteur on violence against women concerning Japan's war rape victims (E/CN.4/1996/53/Add.1) and was appalled

that the Japanese Government had yet to pay them compensation. Though aware of plans to distribute not less than 2 million yen per victim through a private fund, her organization was not convinced that it met Japan's international responsibility to compensate its victims. The Government of Germany, for example, had established a wide range of compensation programmes, including direct payments and pensions, contributions to private foundations and contributions to funds established by Israel.

10. Ms. PAPANDREOU (International Educational Development, Inc.) said that the effect of severe economic sanctions on the condition of women in Iraq had been catastrophic and had resulted in hunger, illness and anxiety. In contrast with her organization's previous visits to Iraq, it had recently found there a weak economy, a physically debilitated people and crime, unemployment and prostitution. The Iraqi people was consuming less than half the food and only one eighth the medicine that had been customary before the war. A nearly 550 per cent increase in the mortality rate of children under five had occurred since 1990.

11. Her organization deemed it abominable that the United Nations should issue blueprints for universal human rights standards and simultaneously adopt resolutions containing the recipe for atrocities in the form of economic sanctions and asked the Special Rapporteur on violence against women to evaluate the impact of economic sanctions on the situation of women in Iraq. The representative of the Secretary-General on internally displaced persons should likewise investigate the large-scale displacements of population in Iraq.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1996/L.3, 6 and 12)

12. Mrs. FERRARO (United States of America), speaking in explanation of vote before the voting, said that her delegation was unable to support the draft resolution on human rights in the occupied Syrian Golan (E/CN.4/1996/L.3) because the one-sided nature of the language used could only complicate the peace process. The issues raised by that draft resolution were best left to the ongoing negotiations between the parties and should not be prejudged by the Commission. Her delegation could not support either the draft resolutions contained in documents E/CN.4/1996/L.6 and E/CN.4/1996/L.12, in which a similar approach was taken.

13. Her delegation was disappointed to note that the draft resolutions submitted under agenda item 4 at the current session had not changed from previous years, despite the clear advances in the peace process, and that the Commission had once again before it five separate, unbalanced, draft resolutions on the situation in the Middle East. The Commission could best help the people of the Middle East by focusing on the progress which the peace process had made and by recognizing that peace offered the best opportunity to further human rights for everyone in the region.

14. She requested that the vote on the draft resolution contained in document E/CN.4/1996/L.3 be taken by roll-call.

15. Mr. TORELLA di ROMAGNANO (Italy), speaking in explanation of vote before the voting on behalf of the European Union, said that the Union would abstain on the draft resolutions on the violation of human rights in the occupied Arab territories, including Palestine (E/CN.4/1996/L.6), on human rights in the occupied Syrian Golan, (E/CN.4/1996/L.3) and on the situation in occupied Palestine (E/CN.4/1996/L.7). The sponsors of those draft resolutions had seen fit to re-submit texts which, in both content and form, more or less reproduced the texts submitted at the Commission's fifty-first session, which had not been adopted by consensus and on which the Union had abstained. The new texts failed to take into account both the changes that had taken place in the territories and the progress made in the peace negotiations, which could help to create the right conditions for the full respect of human rights.

16. The Union regretted that the draft resolutions contained no reference to the observations of the Special Rapporteur on the Palestinian territories occupied since 1967 or to the recommendations made in his report (E/CN.4/1996/18), especially his recommendation that his mandate should be updated to make it easier to establish a constructive dialogue with all the parties concerned.

17. Lastly, the Union regretted the absence of a clear condemnation of the acts of violence to which it had referred in its statement on agenda item 4.

18. For all those reasons, the Union had no choice but to abstain on the draft resolutions contained in documents E/CN.4/1996/L.3 and E/CN.4/1996/L.6, submitted under agenda item 4. It would also have to abstain on the draft resolution on the situation in occupied Palestine (E/CN.4/1996/L.7), submitted under agenda item 7.

Draft resolution on human rights in the occupied Syrian Golan (E/CN.4/1996/L.3)

19. Mr. KHOURY (Syrian Arab Republic), introducing the draft resolution, said that the delegations of Bangladesh, Cuba, Indonesia, Malaysia and Pakistan and the observers for Bahrain and Saudi Arabia had joined the list of sponsors. After highlighting the main points of the draft resolution, he expressed the hope that it would be adopted without a vote. However, if a vote was called for, it should be taken by roll-call. There were a number of mistakes in the Arabic and French versions; he would hand in corrections to the Secretariat.

20. The vote was taken by roll-call.

21. Bulgaria, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Bangladesh, Bhutan, Chile, China, Colombia, Cuba, Egypt, Ethiopia, India, Indonesia, Malaysia, Mauritania, Mexico, Nepal, Pakistan, Philippines, Republic of Korea, Sri Lanka, Uganda, Venezuela, Zimbabwe.

Against: United States of America.

Abstaining: Angola, Australia, Austria, Belarus, Benin, Brazil, Bulgaria, Cameroon, Canada, Côte d'Ivoire, Denmark, Dominican Republic, Ecuador, El Salvador, France, Gabon, Germany, Guinea, Hungary, Italy, Japan, Madagascar, Netherlands, Nicaragua, Peru, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland.

22. The draft resolution was adopted by 22 votes to 1, with 28 abstentions.

Draft resolution on the question of the violation of human rights in the occupied Arab territories, including Palestine (E/CN.4/1996/L.6)

23. Mr. LEMINE (Mauritania) introduced the draft resolution on behalf of its sponsors. After drawing attention to the salient points, he expressed the hope that it would receive broad support in the Commission.

24. Mrs. PAZ CAMPOS (Mexico), speaking in explanation of vote before the voting, said that her delegation would vote in favour of the draft resolution, although it did not agree with certain points and the language used was not at all balanced. A reference to the need to stop terrorist acts wherever they occurred would have been desirable.

25. The CHAIRMAN said that the representative of the United States of America had requested a vote, and the representative of Cuba a roll-call vote.

26. The vote was taken by roll-call.

27. Cameroon, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Bangladesh, Bhutan, Brazil, Chile, China, Colombia, Cuba, Egypt, Ethiopia, Gabon, Guinea, India, Indonesia, Malaysia, Mali, Mauritania, Mexico, Nepal, Pakistan, Peru, Philippines, Republic of Korea, Sri Lanka, Uganda, Venezuela, Zimbabwe.

Against: Russian Federation, United States of America.

Abstaining: Angola, Australia, Austria, Belarus, Benin, Bulgaria, Cameroon, Canada, Côte d'Ivoire, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Hungary, Italy, Japan, Madagascar, Netherlands, Nicaragua, Ukraine, United Kingdom of Great Britain and Northern Ireland.

28. The draft resolution was adopted by 27 votes to 2 with 23 abstentions.

Draft resolution on Israeli settlements in the occupied Arab territories (E/CN.4/1996/L.12)

29. Mr. TORELLA di ROMAGNANO (Italy), introduced the draft resolution on behalf of the European Union and its other sponsors. After summarizing its contents, he expressed the hope that it would be adopted without a vote.

30. Mr. MÖLLER (Secretary of the Commission) announced that the observer for New Zealand wished to be added to the list of sponsors.

31. The CHAIRMAN informed the Commission that the representative of the United States had requested a vote by show of hands.

32. The draft resolution was adopted by 49 votes to 1, with 3 abstentions.

33. Mr. MALGUINOV (Russian Federation) said that, despite its endorsement of many of the provisions contained in the draft resolution, his delegation had voted against it because it did not fully reflect the complexity of the situation and the contradictory processes involved. The Commission must promote the peace process and should denounce violations of human rights regardless of which side was responsible for such violations.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 7) (continued) (E/CN.4/1996/L.7, 8, and 9)

Draft resolution on the situation in occupied Palestine (E/CN.4/1996/L.7)

34. Mr.BEBARS (Egypt), introducing the draft resolution on behalf of its sponsors, said that the text was a model of clarity and concision. Highlighting its main points, he noted that the text had been inspired, inter alia, by the Charter of the United Nations and resolutions of the General Assembly and the Security Council. The text emphasized the right of the Palestinian people to self-determination, without external interference. He hoped that the Commission would adopt the draft resolution by consensus.

35. Mr. MÖLLER (Secretary of the Commission) announced that the observer for Morocco had become a sponsor of the draft resolution.

36. The CHAIRMAN said that the representative of the United States of America had requested a vote.

37. At the request of the representative of Egypt, the vote was taken by roll-call.

38. El Salvador, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Bangladesh, Bhutan, Brazil, Chile, China, Colombia, Côte D'Ivoire, Cuba, Egypt, Ethiopia, Gabon, Guinea, India, Indonesia, Malaysia, Mali, Mauritania, Mexico, Nepal, Pakistan, Peru, Philippines, Republic of Korea, Sri Lanka, Uganda, Venezuela, Zimbabwe.

Against: United States of America.

Abstaining: Angola, Australia, Austria, Belarus, Benin, Bulgaria, Cameroon, Canada, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Hungary, Italy, Japan, Madagascar, Netherlands, Nicaragua, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland.

39. The draft resolution was adopted by 28 votes to 1, with 23 abstentions.

Draft resolution on the question of Western Sahara (E/CN.4/1996/L.8)

40. The CHAIRMAN, introducing the draft resolution, said that its text had been prepared after consultation with interested delegations and was based on previous resolutions on the same topic. If he heard no objection, he would take it that the Commission wished to adopt it without a vote.

41. It was so decided.

42. Mr. BENJELLOUN-TOUIMI (Observer for Morocco) said that the resolution just adopted was an almost exact copy of the resolution on the same subject adopted by the General Assembly on 6 December 1995; in addition, the Security Council had adopted five resolutions on the subject in the past two years. In the interests of efficiency, he wondered if the Commission should continue to adopt resolutions on questions already dealt with by other bodies.

43. Mr. MEGHLAOUI (Algeria) said it was unfortunate that the observer for Morocco should publicly call into question the decision of the Commission to adopt the resolution. The Commission was duty-bound to consider the question of Western Sahara as it involved the right of a people to self-determination. His own delegation had joined the consensus on the text as a means of seeking a solution to the problem.

Draft resolution on the Middle East peace process (E/CN.4/1996/L.9)

44. Mrs. FERRARO (United States of America), introducing the draft resolution on behalf of its sponsors, said that the text stressed the importance of achieving a comprehensive, just and lasting settlement of the Middle East conflict, which was the best way to advance the cause of human rights for all in the region. It would take a great deal of work and wisdom to heal the wounds and begin the slow process of building peace.

45. In the past four years, Palestinians and Israelis had made great progress in resolving their differences and working out practical solutions to a complicated set of problems. It was therefore vital that the Commission should support the objectives of the recent summit meeting of the peacemakers and should condemn terrorist attacks, which sought to undermine the peace process and were the work of the enemies of peace, desperate individuals endeavouring to revive the hatreds of the past for their own twisted purposes.

46. The draft resolution demonstrated the Commission's commitment to peace and human rights throughout the Middle East and would, she hoped, be adopted by consensus.

47. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of India and Nepal and the observers for Finland, Greece, Ireland and Romania had become sponsors of the draft resolution.

48. The draft resolution was adopted without a vote.

49. Mr. BERNARD (France) said that his Government welcomed the progress made thus far in the peace process, which it had always supported, and condemned the acts of violence committed by extremists on all sides. It hoped that the peace process, based on the principle of the exchange of land for peace, could be completed in 1996.

50. Efforts must be devoted to reaching an agreement on the final status of the Palestinian territories and settlements between Israel and Syria and between Israel and Lebanon. In that connection, his Government was particularly interested in the fate of Lebanon and in the restoration of Lebanese sovereignty over its entire territory, within internationally recognized borders. It regretted that the draft resolution failed to mention Security Council resolution 425 (1978), which provided the only lasting means for ending tension and guaranteeing security in the area, and had thus been unable to sponsor the draft resolution. A just, lasting and global peace in the Middle East must be based on the relevant Security Council resolutions.

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (item 12 of the agenda) (continued) (E/CN.4/1996/L.14, E/CN.4/1996/L.22, E/CN.4/1996/L.24, E/CN.4/1996/L.35)

51. The CHAIRMAN said that the consideration of draft resolutions E/CN.4/1996/L.22, L.24 and L.35 would have to be postponed, because the texts were not yet available in all the official languages.

Draft resolution on implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/CN.4/1996/L.14)

52. Mr. NDIAYE (Observer for Senegal), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of France and the Philippines, reviewed its contents highlighting, in particular, the need for financial resources to support the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

53. He said that paragraph 4 should be replaced by the following text:

> "Encourages States to limit the extent of any reservation they lodge to the Convention and to formulate any reservation as precisely and as narrowly as possible, while ensuring that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international law".

The wording was identical with that of paragraph 8 of General Assembly resolution 50/137 of 21 December 1995.

54. In paragraph 17, the word "Welcomes" should be replaced by "Takes note of".

55. Mr. van WULFFTEN PALTHE (Netherlands) said that it would facilitate the Commission's work if sponsors making changes from the floor would distribute them in writing beforehand so that members could see what they were adopting.

56. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Cameroon, Ecuador, Pakistan, the Republic of Korea and Sri Lanka and the observers for Honduras and Turkey had become sponsors of the draft resolution.

57. Explaining the administrative and programme budget implications of the draft resolution in accordance with rule 28 of the rules of procedure, he said that the resources required to implement the activities of the Third Decade to Combat Racism and Racial Discrimination during the biennium 1996-1997 were expected to come from the voluntary contributions under the trust fund for the programme of the decade. Accordingly, the draft resolution would not, if adopted, give rise to additional requirements under section 21 (human rights) of the programme budget for the biennium 1996-1997.

58. The draft resolution was adopted without a vote.

59. Mr. NDIAYE (Observer for Senegal) asked whether the resources for the implementation of the activities provided for by the resolution would come from the regular programme budget of the United Nations or from a voluntary fund.

60. Mr. MÖLLER (Secretary of the Commission) said that there were funds earmarked for the implementation of the Third Decade in the programme budget for the current biennium. Any additional costs of implementing the resolution would have to come from voluntary contributions under the trust fund for the programme of the decade.

61. Mr. ALFONSO MARTINEZ (Cuba) asked whether the explanations of the financial and programme budget implications of the various draft resolutions submitted to the Commission would always be given orally or whether, at some stage, they would be provided in writing.

62. Mr. MÖLLER (Secretary of the Commission) said that the practice in past years had been for the financial implications to be indicated orally before action was taken on the draft resolution in question.

63. Mr. van WULFFTEN PALTHE (Netherlands), supported by Mr. ALFONSO MARTINEZ (Cuba), said that the Secretariat should be more specific and inform the Commission what amount had been earmarked for the Third Decade in the programme budget for the biennium 1996-1997.

64. Mr. MÖLLER (Secretary of the Commission) said that a written record of the financial implications would be issued as an annex to the Commission's report. He was not currently in a position to provide the information requested but would consult the Department of Administration and Management and inform the Commission as soon as possible.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(agenda item 5) (continued) (E/CN.4/1996/L.5 and 18)

Draft resolution on human rights and unilateral coercive measures (E/CN.4/1996/L.5)

65. Mr. MÖLLER (Secretary of the Commission) said that, although no E/CN.4/1996/L.5/Rev.1 had been produced, a purely technical change needed to be made to the draft resolution to indicate the fact that two States members of the Movement of Non-Aligned Countries - Côte d'Ivoire and South Africa - were not sponsors.

66. After a procedural discussion in which Mr. SERY (Côte d'Ivoire), Mrs. CARRIZOSA DE LOPEZ (Colombia), Mr. LEGAULT (Canada), Mr. BERNARD (France) and Mr. ALFONSO MARTINEZ (Cuba) took part, the CHAIRMAN invited the representative of Colombia to introduce the draft resolution.

67. Mrs. CARRIZOSA DE LOPEZ (Colombia), introducing the draft resolution on behalf of the States Members of the United Nations that were members of the Movement of Non-Aligned Countries and China, apart from Côte d'Ivoire and South Africa, noted that the draft resolution did not seek unnecessary confrontations. It called, inter alia, upon all States to refrain from adopting unilateral measures which created obstacles to trade relations among States or impeded the full realization of all human rights and rejected the application of such measures as tools of political or economic pressure because of their negative effects on the most vulnerable sectors of the population.

68. The CHAIRMAN said that the representative of the United States had asked for the draft resolution to be put to the vote.

69. At the request of the representative of Cuba, the vote was taken by roll-call.

70. Angola, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Angola, Bangladesh, Benin, Bhutan, Brazil, Cameroon, Chile, China, Colombia, Cuba, Ecuador, Egypt, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mauritania, Mexico, Nepal, Nicaragua, Pakistan, Peru, Philippines, Sri Lanka, Uganda, Venezuela, Zimbabwe.

Against: Australia, Austria, Bulgaria, Canada, Denmark, France, Germany, Hungary, Italy, Japan, Netherlands, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belarus, Côte d'Ivoire, Dominican Republic, El Salvador, Malawi, Russian Federation, Ukraine.

71. The draft resolution was adopted by 32 votes to 14, with 7 abstentions.

Draft resolution on human rights and extreme poverty (E/CN.4/1996/L.18)

72. Mr. BERNARD (France), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of the Côte d'Ivoire, Egypt and Pakistan and the observers for the Czech Republic and Nepal, said that the draft resolution reiterated that the eradication of widespread poverty and the full enjoyment of economic, social and cultural as well as civil and political rights were interrelated objectives and recalled the commitments entered into at the Copenhagen Conference. That was of particular significance in the International Year for the Elimination of Poverty and on the eve of the first United Nations Decade for the Elimination of Poverty. He hoped that the draft resolution could be adopted by consensus.

73. There was a mistake in the first line of the seventh preambular paragraph: General Assembly resolution 48/719 should be replaced by 48/183. In the eleventh preambular paragraph, the phrase "by a target date to be specified by each country" should be inserted after the words "eradicating absolute poverty".

74. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Angola, Australia, Bangladesh, Cameroon, Ecuador, Mali, Pakistan, Republic of Korea, Uganda and Zimbabwe and the observers for Equatorial Guinea, Finland, Switzerland and Uruguay had become sponsors of the draft resolution.

75. Explaining the administrative and programme budget implications of the draft resolution in accordance with rule 28 of the Commission's rules of procedure, in the draft resolution he said that the resources required to implement the resolution (US$ 47,000) would be provided from within existing provisions for the Economic and Social Council mandates under section 21 (human rights) of the approved programme budget for the biennium 1996-1997. Accordingly, no additional resources would be required.

76. The draft resolution was adopted without a vote.

The meeting rose at 1 p.m.